

BEST AVAILABLE COPY

AF/3738  
4

003433-000338.KAG/sjd.266862 WEMHH/SB/21 (10/03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/068,212
	Filing Date	February 6, 2002
	First Named Inventor	Fearnot, et al.
	Art Unit	3738
	Examiner Name	Barrett, Thomas C.
Total Number of Pages in This Submission	Attorney Docket Number	3433-338

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks <input type="text"/>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or individual name	Kenneth A. Gandy Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>Kenneth A. Gandy</i>
Date	February 23, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

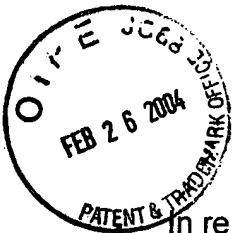
Typed or printed name	Kenneth A. Gandy		
Signature	<i>Kenneth A. Gandy</i>	Date	February 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
MAR 02 2004  
TECHNOLOGY CENTER R3700

BEST AVAILABLE COPY



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Neal E. Fearnott et al.

Serial No.: 10/068,212

Filed: February 6, 2002

TUBULAR GRAFT CONSTRUCT

) Before the Examiner:

) Barrett, Thomas C.

) Group Art Unit: 3738

) February 23, 2004

## AMENDMENT AFTER OFFICE COMMUNICATION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication dated January 21, 2004, please consider the following, which is a re-submission of the Amendment filed January 5, 2004, except including the requisite markings in the claims. Additionally, please provide any extensions of time that may be necessary and charge any fees which may be due to Deposit Account No. 23-3030, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

February 23, 2004

Date of Deposit

Kenneth A. Gandy

Name of Registered Representative

Signature

February 23, 2004

Date of Signature

RECEIVED

MAR 02 2004

AMENDMENT AFTER OFFICE COMMUNICATION  
Fearnott, et al.  
Attorney Docket No. 3433-338